

**§ 3288.215 Effect on other manufactured home program requirements.**

A state with an accepted dispute resolution program will operate in lieu of HUD's Manufactured Home Dispute Resolution Program established under subpart B of this part 3288. A state dispute resolution program, even if it is an accepted dispute resolution program under this part, does not supersede the requirements applicable to any other aspect of HUD's manufactured home program. Any responsibilities, rights, and remedies applicable under the Manufactured Home Construction and Safety Standards in part 3280 of this chapter and the Manufactured Home Procedural and Enforcement Regulations in part 3282 of this chapter continue to apply as provided in those parts in all states.

**Subpart E—Dispute Resolution Program Rulemaking Procedures****§ 3288.300 Applicability.**

This subpart establishes special regulatory procedures for issuing or revising dispute resolution program regulations as codified in this part.

**§ 3288.305 Consultation with the Manufactured Housing Consensus Committee.**

HUD will seek input from the MHCC when revising the HUD Manufactured Home Dispute Resolution Program regulations in this part 3288. Before publication of a proposed rule to revise these regulations, HUD will provide the MHCC with an opportunity to comment on such revision. The MHCC may send to HUD any of the MHCC's own recommendations to adopt new dispute resolution program regulations or to modify or repeal any of the regulations in this part. Along with each recommendation, the MHCC must set forth pertinent data and arguments in support of the action sought. HUD will either: accept or modify the recommendation and publish it for public comment in accordance with section 553 of the Administrative Procedure Act (5 U.S.C. 553), along with an explanation of the reasons for any such modification; or reject the recommendation entirely, and provide to the MHCC a written explanation of the

reasons for the rejection. This section does not supersede section 605 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5404).

**PARTS 3289–3799 [RESERVED]****PART 3800—INVESTIGATIONS IN CONSUMER REGULATORY PROGRAMS****Sec.**

3800.10 Scope of rules.

3800.20 Subpoenas in investigations.

3800.30 Subpoena enforcement in district court.

3800.40 Investigational proceedings.

3800.50 Rights of witnesses in investigational proceedings.

3800.60 Settlements.

**AUTHORITY:** 12 U.S.C. 2601 *et seq.*; 15 U.S.C. 1714; 42 U.S.C. 3535(d) and 5413.

**SOURCE:** 61 FR 10441, Mar. 13, 1996, unless otherwise noted.

**§ 3800.10 Scope of rules.**

This part applies to investigations and investigational proceedings undertaken by the Secretary, or the Secretary's designee, pursuant to the following:

(a) The Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 *et seq.*;

(b) The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et seq.*; and

(c) The Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 *et seq.*

**§ 3800.20 Subpoenas in investigations.**

(a) The Secretary may issue subpoenas relating to any matter under investigation. A subpoena may:

(1) Require testimony to be taken by interrogatories;

(2) Require the attendance and testimony of witnesses at a specific time and place;

(3) Require access to, examination of, and the right to copy documents; and

(4) Require the production of documents at a specific time and place.

(b) A subpoenaed person may petition the Secretary or the Secretary's designee to modify or withdraw a subpoena by filing the petition within 10 days after service of the subpoena. The petition may be in letter form, but